IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.397 OF 2006.
WITH
CRIMINAL APPLICATION NO. 398 OF 3006
IN
CRIMINAL APPLICATION NO. 3597 OF 2004
AND
CRIMINAL APPLICATION NO. 3309 OF 2002.

Hansraj Narayan Baanswal & Ors... Applicants
V/s
State of Maharashtra and Ors. ..Respondents.

Mr. A.S. Adenwal for the applicants

Miss. P.N. Diwan for respondent NO.3.

Mr.A.Y. Mirza, APP for State

CORAM : S.C. DHARMADHIKARI, J.

DATE : 17TH OCTOBER, 2006.

P.C.

. Criminal Application No.398/2006 is seeking condonation of delay of 237 days and Criminal Appliction No. 397 of 2006 is for restoration of Criminal Application No. 3597/2004, and 3309/2002 which were dismissed in default.

2. The learned Advocate appearing for respondent No.3 prays for time to take instructions and file reply

to this application. At her request, earlier the matter was adjourned. I am told that there is no settlement but the reply is not ready.

3. A request, for restoration of the petitions/applications which are dismissed for want of prosecution, is essentially a matter between the applicant and the Court. In such circumstances, I see no reason to adjourn this application any further. Prayer for adjournment is therefore, rejected.

4. The applicants set out reasons for condonation of delay so also for non appearance on the relevant date, the learned Advocate has pointed out that there is no deliberate inaction, lack of bonafide or negligence on their part. The applicants cannot be blamed for the delay, if any, in serving respondent NO.3. In such circumstances, both applications are granted. The delay is condoned. Criminal Application Nos. 3597/204 and 3309/2002 are restored to file along with interim order therein.

(S.C. DHARMADHIKARI, J.)